

Town Of Amenia

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PLANNING BOARD WORKSHOP THURSDAY, SEPTEMBER 27, 2012

PRESENT: Nina Peek, Chair

Tony Robustelli Nathan Roy Peter Clair James Walsh

Ian MacDonald, Attorney Julie Mangarillo, Engineer

ABSENT: Larry Moore

Norm Fontaine

MOTION TO OPEN THE PLANNING BOARD WORKSHOP FOR SEPTEMBER 27, 2012 was made by James Walsh, seconded by Nathan Roy

PETER KARIS - The Board was introduced to Peter Karis by Ms. Peek. Mr. Karis, licensed Landscape Architect of Taconic Site Design and Landscape Architecture, spoke to the Board talking briefly of his company, qualifications and background. Ms. Peek stated his first assignment would be to inspect the Nextel/TowerCo cell tower landscape plan. The Board members agreed that Taconic Site Design & Landscape Architecture would be retained by the Planning Board on an as needed basis to review landscape plans proposed by applicants and provide site inspection services following installations.

Studio 343 Site Plan 3324 Route 343 Amenia, NY

Juliet Chamberlin and Rebecca Martin introduced themselves as the owners of Studio 343 hair salon. Tracy Salladay distributed packets to the Board members of a Site Plan Review of the retail storefront at 3342 Route 343. The site plan was previously submitted to the Planning Board. Ms. Salladay prepared environmental qualification statements for the site plan. Presented was a floor plan, a FEMA Flood Plain Map, EAF, Water Use and Recharge and

Consumption Calculations, photos of storefront with simulated image of sign installation, scaled drawing of proposed sign, and NYS Licenses to operate a Business. Ms. Peek asked if the consumption exceed the recharge. Ms. Salladay replied yes. Ms. Peek continued, that because the consumption exceeds the recharge, the Zoning Code considers the Action a Type I action under SEQRA. The applicant already completed a long form EAF. The Board will set escrow as the whole package is sent to our Engineer and Attorney for their review. They will then offer a memo if there is anything further that needs to be provided. Escrow was set at \$1000.00. They will be placed on the agenda for next Thursday.

FOLLOW UP: Following the meeting it was determined that the proposed application included only a replacement of an existing sign and therefore, would not require additional approval from the Planning Board. A letter regarding the determination by the Planning Board was submitted to the file on 09/28/2012.

486 Leedsville Road-Addition Major Site Plan 486 Leedsville Road Amenia, NY

Brian Houston stated there was a minor increase in the footprint of the proposed addition calculations-46% to 48% - 100 square feet but even with the 100 square foot increase, the proposed structure is compliant with setback requirements.

The Board reviewed Ms. Mangarillo's memo of September 26, 2012:

- Impervious The project site is located in the RR zone (5 acres zoning) and is a preexisting, non-conforming lot at 1.47 acres. Existing coverage is 11% impervious with
 the proposed addition would increase the coverage to 14%. Does this need a variance?
 Attorney MacDonald stated it was already non-conforming so it is a pre-existing, nonconforming use. The provision in the Zoning Law allows for the expansion of a preexisting, non-conforming use as long as the nonconformity does not increase by more
 than 50%. The Zoning Law does require that the proposed increase cannot diminish
 the set-back by more than 20%. Mr. Houston stated that for set-backs they conform
 with everything. The existing corner of the barn is about 13' off the property line,
 however, that is pre-existing. The proposed addition meets all the front, side and rear
 set-back requirements. Ms. Peek felt there was no need to go to the ZBA for a
 variance. Mr. MacDonald agreed.
- Mr. Houston continued it is stated in the zoning regulations that these plans should be signed by an engineer, architect or landscape architect. Although Mr. Houston is a licensed surveyor, he is not a registered architect, landscape architect or engineer and therefore is not permitted by the State of New York to provide any proposed structures on survey plans. Although the plans show proposed structures, Mr. Houston

- maintained no engineering would be shown on the plans. Ms. Mangarillo stated it was up to the Board. Ms. Peek stated that surveys had been accepted before, however, any building plans must be prepared and signed and sealed by a licensed architect.
- The plans will be revised to provide the location of exterior entrances/exits, especially for the proposed addition.
- Mr. Houston will address the exterior lighting and will provide additional information.
- Mr. Houston will provide the location of the SSDS and leach field.
- The erosion and sediment control plan Ms. Mangarillo stated just to keep the construction in the construction area and no sediment tracking out into the roadway and when the project is done there is reseeding.
- The site plan application package now includes elevations of the house.

Mr. Houston requested a list of waivers:

- Landscaping and grading plan the landscaping is grassed now and will be grassed when done and the whole lot is filled with landscaping. Ms. Peek asked if they would be willing to add notes to the drawing to provide for lawn restoration after construction is complete. Mr. Houston stated he would do that.
- Traffic flow pattern there was no objection to this waiver request.
- Table with information regarding structure area, number of employees, seating capacity and parking there was no objection to this waiver request.
- Plans for disposal of construction waste a note will be placed on the map whatever waste is placed in the dumpster and hauled off.
- Cultural resource survey there was no objection to this waiver request.
- Mr. Houston added the design of the addition compatible with the existing house and the Historic Preservation Overlay District as requested
- Under the bulk data table, under footprint for nonresidential structures, the area should be 4,000SF, not 10,000 SF as shown this will be revised by Mr. Houston.
- Under Zoning designation, include the Historic Preservation Overlay District this will be revised by Mr. Houston.
- The Authorization of Agent form has been signed by the property owners.
- All the changes to the EAF have been made with the exception of the well. This needs to be tracked down. Jim Walsh asked what type of well. Mr. Skibsted stated it was an artesian well. Ms. Mangarillo asked for EAF part 2 because it is a major site plan. She continued the applicant fills it out and the lead agency reviews it. Mr. Houston said he would comply.

Mr. Houston gave the Board elevations and existing pictures. They are matching the existing windows, wood siding, both vertical and horizontal. They may do a part stone façade on the addition and blend it in with wood, depending on the cost. The roof material will be the same and the color will be the same.

Ms. Peek asked if they could resubmit the whole application package add the photos the Board just reviewed and also the elevations that were shown. One hard copy and pdf is all that is necessary. Ms. Mangarillo would like a response letter to her memo. Mr. Houston will do that. As this project is a major site plan, it will need to have a Public Hearing and be referred to Dutchess County for their review as Leedsville Road is a County road. When the package is sent to the County the Planning Board will ask them to expedite their decision. Mr. Houston will be responsible for posting a sign on the property noticing the site plan public hearing.

Lantern Inn Site Plan Main Street
Wassaic, NY

John Metzger, engineer and Dick Berry, the applicant's architect, appeared before the Board to talk about their project, the Lantern Inn in Wassaic. Ms. Peek asked before they start, there is an existing order to remedy violation against the property owner of the Wassaic Auction barn, Tony Zunino. There is a large sign on Route 22 that says Wassaic Project; John Fenton has spoken with Jeff Barnett-Winsby many times about taking this sign down right after the project was over. However, it is still there. He issued an order to remedy back in the beginning of September, and it is still there. The Planning Board advised Mr. Metzger and Mr. Berry to speak with the owner to take down the sign ASAP. Mr. Berry said he would speak to Mr. Barnett-Winsby about this.

John Metzger began by giving the Board a brief overview of the project. The Lantern Inn exists as a bar, with limited food service (15 seats) and they are looking to expand that to about 50 seats. The two apartments above the Inn will remain however there is an out building that they would like to improve with three additional apartments in the structure. Five apartments and a 50 seat restaurant are proposed for the property. The existing Inn now has a subsurface infiltration system. With the new proposals they propose to upgrade the system with a surface discharge system that would accommodate all the uses on the property. The Wassaic Creek runs along the back of the property. The applicant submitted a proposal to the Health Department and are currently in discussion regarding the proposal. The applicant hopes to settle on a system with the DOH and then return to the Planning Board to discuss visual, property, natural resource, and other impacts of this new system. The applicant also proposes subsurface tanks with sand filters in a shed to mask them visually from the road. The tanks would be about 4' in diameter and 6-8' tall. There will be two filters. The applicant is also in front of the DEC to get a discharge permit to discharge into the Wassaic Creek. They will come back with how many filters they will need. The applicant is required to treat the effluent to a certain quality of water before it is discharged into the stream. The details of the system and its treatment will be determined through the SPDES permit process. Jim Walsh asked how often the tanks will be maintained. Mr. Metzger stated the sand filters actually regenerate

similar to a water softener. Any sludge will go back into the septic tank and be reprocessed. There are also aeration units that will be inspected, most likely quarterly. There will be alarms on all the equipment in case something goes wrong. Mr. Walsh added the creek is a registered trout stream. Mr. Metzger stated that both the DEC and Health Department are going to require that the applicant maintain the terms of the SPDES permit and maintain the quality of the discharge. The system will have an operator who will be on call if anything goes wrong. Mr. Walsh asked what sets off the alarm. Mr. Metzger stated pressure drop, failure to start the aeration units if the power goes out on them. Mr. Walsh asked about the discharge. Mr. Metzger said it will be part of the operator's responsibility to test the discharge on a schedule that is prescribed by the DEC in the SPDES permit.

Ms. Peek asked about the structures that are shown on the site plan for the sand filter units and whether all the tanks will fit in the proposed building. The applicant replied that this would vary depending on DEC input. Ms. Peek continued that there is no differentiation on the site plan between what is going to be above ground and what is below ground, and that should be shown on the site plan. Mr. Metzger stated the only thing above ground is by the building; otherwise the rest will be basically septic tanks below ground. The only thing you will see driving by will be access to what is below ground. Ms. Peek asked whether there would be any increase in the size of the Inn to accommodate the additional seating. This area is currently all grass and any increase would have to be accounted for in the impervious calculations. Mr. Metzger stated when done, 6-8" of topsoil would be added and then grass would be planted. The only increase in impervious will be a 24-30" round diameter lid to access these tanks, and of course the shed. The shed shown may be a little larger than it needs to be.

Ms. Peek asked if there was any more outdoor seating. Mr. Metzger stated no additional outdoor seating would be provided and added, the area can be driven on if need be. Mr. Berry stated that the goal right now is if there is no grass then a very fine gravel and seating on that outside.

Ms. Peek continued asking if the footprint of the restaurant was going to increase. Mr. Metzger said no. She asked if the Building Inspector has gone to the site to calculate occupant counts, and whether the proposed 50 seats is within the maximum presumed to be seated and standing? Mr. Metzger stated Mr. Zenino has been handling most of that. Mr. Zenino has been in contact with Mr. Fenton. Ms. Peek asked if they were proposing to combine the two lots they own. Mr. Metzger stated yes, it was part of the Health Department requirements we would have to combine them. Ms. Peek went on to state these are two preexisting, non-conforming lots that are being merged to be one pre-existing, non-conforming lot in the HPO and HM district. The combined lot area would be about 20,000 square feet, which would be non-conforming. The Town's Zoning Code does not permit the formation of a non-conforming lot. Ms. Peek asked Mr. Metzger to talk about the well. He stated that at present it

is in the basement of the building. They will pursue drilling a new well. He showed the Board where it is proposed to be located on the map. They have applied for a well permit.

Ms. Peek asked the distance between the creek and the proposed well. Mr. Metzger stated about 15'. Jim Walsh stated that area floods quite often. Mr. Metzger knew they were in the floodway. This is why all of the components of the sewer disposal system have been shoved all the way to the front of the property. The floodplain has been reviewed with the Health Department and we are proposing the lids of the sealed tanks which are below grade, be above the flood plain. The tanks are 5-6' deep and maybe some may go 8-9'. There are two grease traps – 2000 gallons each. Ms. Mangarillo asked about the parking. Mr. Metzger stated there was a municipal lot across the street. The parking for the apartments will be behind the Inn. Peter Clair asked if the pool tables would still be there. Mr. Berry stated that it has been designed so that the pool tables can be moved in and out. Ms. Peek asked about the bathrooms. Mr. Berry stated there are two bathrooms in the two apartments upstairs and two bathrooms downstairs. Ms. Peek asked about food service. Mr. Berry continued yes there will be a kitchen and a restaurant. Mr. Metzger added this is in the design of the system; it has been taken into account using restaurant style flow numbers to develop this system. Mr. Berry stated that the utilities have been moved upstairs. The Health Department has flooding in their mind in doing this design. It has been identified and we are designing around it. Nathan Roy asked what the current septic system is. Mr. Metzger stated from research it is a septic tank 1500 and a couple of leech pits.

Mr. Metzger continued that they had already gone to the Health Department to get some of the questions the Board might have. One of the questions that the Health Department asked is what approvals are required by the Town. There is concern with the development of a project within the flood plain even though the applicant maintains there will be no significant impact on the flood plain. As such the Health Department is asking the applicant to reach out to the Town to find out where the Town stands on the development of the project. Mr. Berry added they would like the Town to consider an approval, then hold on to it until the DEC and/or Health Department sign off on the project as they have spent almost a year with the DEC and Health Department so far on this project. Ms. Peek stated once the application is complete, the Planning Board could issue a conditional site plan approval with conditions. Those conditions would be that the applicant receive all the DEC and Health Department approvals. Ian MacDonald asked how non-conforming is the lot? Ms. Peek answered about half of what it needs to be - .51 is about 22,000 square feet, it should be 40,000 square feet. Ms. Peek asked the applicant to indicate whether they would like the Planning Board to look over the application materials already submitted, or whether they would redo some aspects of the site plan and then resubmit the plan. Mr. Berry felt they will submit the site plan and let the Board go over it. She continued that because this is in the Historic District, anything you do like the barn structure, windows, doors, etc. the Board will need to see colors, materials and elevations.

Mr. Metzger stated the apartments may not be done at this time but will be included in the site plan. Mr. Berry added the apartments have been included in the septic system that is being designed. Ms. Peek went on to ask if they felt the size of the structure will accommodate 3 apartments of sufficient size per the Zoning Code. Mr. Berry stated it may be 3 or possibly 2.

Ms. Peek felt the application is not sufficient at this time and it would be premature to set escrow and have the Planning Board's consultants review the application – only to have to rereview. There needs to be additional information on off-street parking, how you will be compliant, 50 people – 50 seats, check with John Fenton on maximum occupancy for the restaurant. Ms. Peek suggested that the applicant give the application a little more thought then re-submit. Ian MacDonald asked about combining the lots. Is this being done by tax maps? Since this will still be a non-conforming lot, does this need Planning Board approval? Mr. Metzger stated the Health Department is requiring the joining of the two lots. They can make an application with the assessor to eliminate the lines and join the two lots. Applicant to resubmit application.

MOTION TO ADJOURN THE MEETING was made by Tony Robustelli, seconded by James Walsh

Respectfully submitted,

Susan M. Metcalfe

Planning Board Secretary

The foregoing represents unapproved minutes of the Town of Amenia Planning Board from a meeting held on September 27, 2012 and are not to be construed as the final official minutes until so approved.

_____Approved as read
Approved with: deletions, corrections, and additions